

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-10176
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APRIL 29, 2005 THOMAS K. KAHN CLERK

D. C. Docket No. 03-00266-CV-WDO-5

JOSHUA JEFFERSON,

Plaintiff-Appellant,

versus

HALL HOUSING INVESTMENTS, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Georgia

(April 29, 2005)

Before TJOFLAT, HULL and WILSON, Circuit Judges.

PER CURIAM:

Appellant appeals on three grounds the district court's decision granting

appellee summary judgment:

(1) “The district court ruled outside the scope of allowed discretion by ruling on disputed questions of fact,”

(2) “The law was misapplied in this case as a result of the court’s abuse of discretion,” and

(3) “The trial court erred in allowing the introduction of testimonial evidence after the close of discovery in support of a motion for summary judgment.” We find no abuse of discretion in the court’s handling of appellee’s motion for summary judgment—and in particular, the court’s entertainment of the evidence referred to by appellant’s third ground. The questions thus become whether the existence of material issues of fact precluded the entry of summary judgment or, alternatively, whether (assuming no genuine dispute as to the material facts) the summary judgment resulted from the court’s misapplication of the rules of decision.

In its order of December 9, 2004, the court summarily disposed of three claims: malicious prosecution, false imprisonment, and false arrest. The material facts on which those claims are based are settled; therefore, the court committed no error in concluding that the case presented no issues of material fact. Nor did the court err in applying the law to those facts. We agree with the court for the

reasons it gave for denying appellant's claims that appellant's claims are meritless.

We also agree that the court, in its order of January 5, 2005, properly denied appellant's motion for reconsideration.

AFFIRMED.